Remarks

This Reply is in response to the Office Action mailed on November 27, 2007 in which claims 38-54 were rejected. With his response, claims 40 and 44 are canceled; and claims 38, 41-43 and 47 are amended. Claims 38-39, 41-43 and 45-54 are presented for reconsideration and allowance.

I. Examiner Interview Summary

On February 25, 2007, a telephonic interview was held between Examiner Tyler and Applicant's attorney, Todd A. Rathe. The rejection of claim 44 was diseussed. Although no agreement was reached, Applicant wishes to thank examiner Tyler for the opportunity to discuss the rejection.

II. Rejection of claims 38, 39, 47 and 48 under 35 USC 102(b) based upon Andersen

Section 3 of the Office Action rejected claims 38, 39, 47 and 48 under 35 USC 102(b) as being anticipated by Andersen et al. US Patent Publication 20020165685. Claims 38, 39, 47 and 48, as amended, overcome the rejection.

A. Claim 38

Claim 38 is amended to incorporate the limitations of former dependent claims 40 and 44. Claim 38, as amended, recites inserting a medium into a printer with a first orientation, printing a first calibration theater at a first lateral location on the medium, reinserting the medium into the printer with a second orientation rotated 180 degrees from the first orientation and printing a second calibration feature at a second lateral location on the medium. Claim 40 further specifies that the first and second calibration features are printed on a same face of the medium.

Claim 38, as amended, corresponds to former claim 44. Former claim 44 was rejected based upon Andersen and Lodwick. Neither Andersen nor Lodwick, alone or in combination, disclose or suggest a printing a first calibration feature at a first lateral location on a face of a medium, reinserting the medium with a seeond orientation rotated 180 degrees from the first

orientation and printing a second calibration feature at a second lateral location on the same face of the medium.

As Acknowledged by the Office Action, Andersen fails to disclose reinserting a medium into a printer with a second orientation rotated 180 degrees from the first orientation in which the medium was inserted into the printer. The Office Action further acknowledges that Andersen also fails to disclose a printing first and seeond calibration features on a same face of a medium. As a result, in rejecting claim 44, the Office Action attempts to additionally rely upon Lodwick by asserting that:

> assuming that the first target is printed with a print head moving left right, the second target will be printed with the print head moving, relative to the first target, right to left. The same is true for a two-sided calibration page, or for a page with two targets printed with 180 degree orientation change on the same face of the print medium. That is to say, the end result is essentially the same, any lateral offset applied to the left side of the target will be applied to the right side of the second target. Because the end result is the same, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to try printing the second calibration target on a second face as the first target, after a 180degree orientation change, in order to provide the same calibration effect without needing a scanner to read the second calibration target from the back side of the page.

(Office Action dated November 27, 2007, pages 6-7).

However, this assertion is without merit because (1) neither Andersen nor Lodwick disclose printing to calibration features on the same face of a medium after the medium has been rotated 180 degrees and (2) the alleged motivation for somehow modifying both Andersen and Lodwick to meet the claim limitations appears to be purely based upon impermissible hindsight reasoning using Applicant's disclosure as a blueprint.

1. Neither Andersen nor Lodwick disclose printing a first calibration mark on a face of a medium, reorienting the media 180 degrees and printing a second calibration mark on the same face of the medium.

As acknowledged by the Office Action, Andersen does not disclose printing a first calibration mark on a face of a medium, reorienting the media 180 degrees and printing a

second calibration mark on the same face of the medium. Likewise, Lodwick also does not disclose this feature. In its assertion, the Office Action refers to the Background section of Lodwick which describes a solution for aligning a graphic layout depicted on a computer screen with what is actually printed on a sheet of paper. Lodwick states:

> Another approach requires a user to print a duplex (two-sided) calibration page. The user then holds the page up to a light to determine a set of lines on each side which line up correctly. The user then manually inputs the appropriate information to the software.

(Lodwick; column 2, lines 16-19).

Nowhere does Lodwick satisfy the acknowledged defieiencies of Andersen. Nowhere does Lodwick disclose printing first and second calibration features on the same face of the medium. In direct contrast, this portion of Lodwick requires ealibration features to be printed on an opposite faces of the medium such that the person may hold the page up to a light to determine a set of lines that line up correctly. Since neither Andersen nor Lodwick disclose printing a first calibration mark on a face of a medium, reorienting the media 180 degrees and printing a second calibration mark on the same face of the medium, then it stands to reason that even assuming, arguendo, that it were obvious to combine such teachings, the resulting combination would still fail to satisfy the limitations of former claim 44, and now claim 38.

2. The alleged motivation for somehow modifying both Andersen and Lodwick to meet the claim limitation appears to be purely based upon impermissible hindsight reasoning using Applicant's own disclosure as a blueprint

.In apparent recognition that Lodwick itself does not satisfy the acknowledged deficiencies of Andersen, the Office Action seemingly attempts to argue that "because the end result is the same," it would be obvious "to try printing the second calibration target on a second face as the first target, after a 180degree orientation ehange, in order to provide the same calibration effect without needing a scanner to read the second calibration target from the back side of the page."

However, even assuming, arguendo, that the end result is the same, this does not constitute any sort of valid motivation or suggestion to modify Lodwick. Simply because two distinct methods produce the same result does not mean that one method is obvious over the

other method. Moreover, nowhere does Lodwick even remotely suggest that calibration marks can be printed on the same face of the medium for the purpose of avoiding the need for a scanner to read a second calibration target from the back side of the page. This alleged motivation asserted by the Office Action appears to be drawn from thin air, or alternatively, to be impermissibly drawn from Applicant's own disclosure.

Moreover, even assuming, arguendo, that one were led to print the multiple sets of lines mentioned by Lodwick on a single face as suggested in the Office Action, then there would be no reason for a person to rotate the medium 180 degrees. The only reason disclosed by Lodwick for rotating the medium 180 degrees was to enable printing on opposite faces of the medium. If the multiple sets of lines were printed on a single face of the medium, the function of Lodwick could just as well be performed without any rotation of the medium. This is due to the fact that the background section of Lodwick appears to disclose a method wherein alignment is performed by printing multiple sets or payers of lines at different offset values to identify a correct offset value. Accordingly, the Office Action has failed to establish a prima facie case of obviousness . For such reasons, claim 38, as amended, overcomes the rejection based upon Andersen and Lodwick. Claim 39 depends from claim 38 and overcomes the rejection for least the same reasons.

B. Claim 47

Claim 47, as amended, recites an apparatus which includes a scan head, a locator communicating with a scan head and configured to determine positions of a first calibration feature and a second calibration feature on a face of a medium and an adjuster configured to accept to determine position from a locator to determine a calibration characteristic for the skinhead based in part on the determine positions.

Andersen fails to disclose an apparatus including a locator that determines positions of to calibration features on a single face of a medium and adjuster that determines a calibration characteristic for a scan head to try printing the seeond calibration target on a second face as the first target, after a 180degree orientation change, in order to provide the same calibration effect without needing a scanner to read the second calibration target from the back side of the based in part on the determine positions. In contrast, Andersen merely discloses a single target.

Moreover, Lodwick does not satisfy these deficiencies. Lodwiek has nothing to do with determining a calibration characteristic for a scan head. Accordingly, claim 47, as amended, overcomes the rejection based upon Andersen. Claim 48 depends from claim 47 and overcomes the rejection for at least the same reasons.

III. Rejection of Claims 40-46 and 49-54 under 35 USC 103(a) Based upon Andersen and Lodwick

Section 5 of the Office Action rejected claims 40-46 and 49-54 under 35 USC 103(a) as being unpatentable over Andersen US Patent Publication 20020165685 in view of Lodwick et al. US Patent 6226419. Claims 40 and 44 are canceled. Claims 41 -43 and 45-46, and claims 49-54 depend from claims 38 and 47, respectively, and overcome the rejection for the same reasons discussed above with respect to the rejection of claims 38 and 47. Claims 43, 46, 49 and 53 overcome the rejection for at least the following additional reasons.

A. Claim 43

Claim 43 depends from claim 38 and further recites a step of printing a directional indicator prior to the reinserting step showing a second orientation for the reinsertion of the medium.

Neither Andersen nor Lodwick, alone or in combination, disclose or suggest printing a directional indicator showing a second orientation for the reinsertion of the medium. In rejecting claim 43, the Office Action refers to directional arrows 38 in Figure 3 of Lodwick (see Office Action dated November 20 7, 2007, page 6). This is incorrect. Applicants respectfully note that such arrows are found in Figure 3 of Andersen, not Lodwick. Arrows 38 of Andersen are not used to indicate a second orientation which is 180 degrees rotated from a first orientation in which the media was inserted into a printer. Arrows 38 of Andersen are used for completely different purpose.

The Office Action has failed to cite any teaching or suggestion in either Andersen or Lodwick for the use of the arrows as alleged by the Office Action. Once again, the Office Action appears to be impermissibly modifying the aetual teachings of both Andersen and Lodwick using Applicant's own disclosure as a blueprint for the modification. As noted above, Lodwick merely discloses duplex printing. Assuming that a first side of the sheet has

been printed upon, there would be no reason to print arrows on the sheet as it would already be quite clear which side is then printed upon and whieh side has not been printed upon. As noted above, the Office Action has failed to provide any valid motivation for modifying Lodwick to alternatively print calibration marks on the same face of a sheet. Accordingly, rejection of claim 43 should be withdrawn.

B. Claim 46

Claim 46 depends from claim 45 which depends from claim 38. Claim 46 recites defining a scan centerline at a location equally between first and second positions of the first calibration feature in the second calibration feature, respectively.

Neither Andersen nor Lodwick, alone or in combination, disclose or suggest a method wherein a scan centerline is defined at a location equally between first and second positions a first and second calibration features on a medium. Andersen does not utilize first and second calibration features. Andersen does not define a scan eenterline at a loeation equally between the first and second positions of the first and second calibration features.

Lodwick fails to satisfy the deficiencies of Andersen. In fact, Lodwick has nothing to do with defining a scan centerline. Accordingly, rejeetion of claim 46 should be withdrawn.

C. Claim 49

Claim 49 depends from claim 48 which depend from claim 47. Claim 49 recites that the apparatus includes a first print mechanism which prints a first calibration feature on the medium, a media reinsertion mechanism which triggers reinsertion of the medium reoriented by 180 degrees from the original orientation and a second print mechanism which prints a second calibration feature after medium reinsertion.

As discussed above with respect to the rejection of claim 38, neither Andersen nor Lodwick, alone or in combination, disclose or suggest putting a first calibration feature at a first lateral location on a faee of a medium, reinserting the medium with a second orientation rotated 180degrees from the first orientation and printing a second calibration feature at a second lateral location on the same face of the medium. Accordingly, rejection a claim 49 should be withdrawn for at least this additional reason.

D. Claim 53

Claim 53 depends from claim 52 which depends from claim 48. Claim 53 recites that the adjuster is configured to determine a scan centerline at a location equally between the first and second positions of the first and second calibration features.

Neither Andersen nor Lodwick, alone or in combination, disclose or suggest a method wherein a scan centerline is defined at a location equally between first and second positions a first and second calibration features on a medium. Andersen does not utilize first and second calibration features. Andersen does not define a scan centerline at a location equally between the first and second positions of the first and second calibration features.

Lodwick fails to satisfy the deficiencies of Andersen. In fact, Lodwick has nothing to do with defining a scan centerline. Accordingly, rejection of claim 53 should be withdrawn.

IV. Conclusion

After amending the claims as set forth above, claims 38-39, 41-43 and 45-54 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present applieation.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date February 26, 2008 By Todd A. Rathe

RATHE PATENT & IP LAW
Customer Number: 22879
Telephone: (262) 478-9353
Facsimile: (262) 238-1469

Todd A. Rathe
Attorney for Applicant
Registration No. 38,276